

### REMARKS

This application has been reviewed in light of the Office Action dated January 14, 2008, and the Advisory Action dated June 13, 2008. Claims 1-7, 9-16, and 18-27 are presented for examination, of which Claims 1 and 10 are in independent form. Claim 28 has been canceled, without prejudice or disclaimer of the subject matter presented therein. Claims 1-7, 9-16, 18-24, 26, and 27, have been amended purely as to matters of form. Favorable reconsideration is requested.

The January 14, 2008, Office Action and the Advisory objected to Claims 25 and 26 for informalities. Applicants submit that Claim 25, as presented in the Amendment filed on October 1, 2007, has proper antecedent basis and thus requires no amending herein. Should the Examiner maintain the rejection of Claim 25, Applicants respectfully request further guidance as to the rationale relied upon for the rejection. Applicants have carefully reviewed and amended Claim 26, as deemed necessary, with special attention to the points raised in section 6 of the Office Action. Accordingly, it is believed that the objections to Claims 25 and 26 have been obviated and their withdrawal is therefore respectfully requested.

The Office Action states that Claim 28 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Advisory Action further states that Claim 28, as amended in the non-entered Amendment dated May 14, 2008, is a substantial duplicate of Claim 25. Cancellation of Claim 28 renders its rejections moot.

The Office Action states that Claims 1, 6, 9, 10, 15, 18, 20, 21, 23-26, and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appln. Pub. No. 2004/0008897 (*Easwar*) in view of U.S. Patent No. 5,847,771 (*Cloutier*); Claims 3, 4, 12, and

13, are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Easwar* and *Cloutier* in view of U.S. Patent No. 6,671,454 (*Kaneko et al.*); Claims 5 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Easwar*, *Cloutier*, and *Kaneko et al.*, in further view of U.S. Patent No. 5,675,789 (*Ishii et al.*); Claims 7 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Easwar* and *Cloutier*, in further view of U.S. Patent No. 6,987,890 (*Joshi et al.*); Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Easwar* and *Cloutier*, in further view of U.S. Patent No. 6,236,759 (*Horie et al.*); Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Easwar* and *Cloutier*, in further view of U.S. Patent Appl. Pub. No. 2002/0116533 (*Holliman et al.*); and Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Easwar* and *Cloutier*, in further view of U.S. Patent No. 6,721,001 (*Berstis*). It is noted that the above rejections (the "Part A" rejections) apply to the versions of Claims 3-9 as dependent from Claim 1; Claims 12-19 as dependent from Claim 10; and Claims 20-28 with respect to Claims 1 or 10 as appropriate.

The Office Action further states that Claims 2 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Easwar*, *Cloutier*, in further view of U.S. Patent No. 6,407,680 (*Lai et al.*). It is noted that this rejection (the "Part B" rejection) applies to the versions of Claims 3-7 and 9 as dependent from Claim 2; Claims 12-16, 18, and 19 as dependent from Claim 11; and Claims 20-27 with respect to Claims 2 or 11 as appropriate. Applicants submit that independent Claims 1 and 10, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 1 is directed to a method of transcoding digital data coded according to a first coding mode into digital data coded according to a second coding mode. The method

includes detecting an inactivity of resources useful for the transcoding, and transcoding the digital data coded according to the first coding mode into the digital data coded according to the second coding mode, when the inactivity is detected. The second coding mode is a coding according to which data is coded by an amplitude curve representing the amplitude of the data along a path amongst the data. *See, e.g.,* the present specification, at page 4, lines 1-4, and page 9, lines 9-16.<sup>1/</sup>

*Easwar*, as best understood by Applicants, relates to compression of DCT compressed images. Apparently, a JPEG image is transcoded to enable the image to be compressed using wavelet-based compression. *See Easwar*, paragraph [0067]. As the Office Action concedes, *Easwar* fails to disclose “detecting an inactivity of resources useful for the transcoding,” as recited in Claim 1. The Office Action then asserts that this feature is taught in *Cloutier* and that a combination of *Easwar* and *Cloutier* teaches the all the features recited in Claim 1. Applicants respectfully disagree.

*Cloutier*, as best understood by Applicants, relates to simultaneously decoding two MPEG-encoded data streams to provide Picture-in-Picture (PIP) capabilities. *Cloutier* discusses processing a primary MPEG stream and a secondary (PIP) MPEG stream, where the secondary stream has a lower resolution (requires less processing) than the primary MPEG stream. *See, e.g., Cloutier*, col. 19, lines 36-38 and 45-48. *Cloutier* detects idle states, *i.e.*, intervals between processing of the primary stream, and processes the secondary stream during the idle intervals.

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<sup>1/</sup> Examples presented herein are provided purely for illustrative purposes and are not to be construed to limit the scope of the claims.

For the *Cloutier* system to work properly, the secondary stream must require less processing than the primary stream. If the secondary stream requires even the same amount of processing as the primary stream then the processing of the primary image would be hindered and the quality of the primary image would degrade. Thus, contrary to the Office Action's assertion that main (primary) and secondary are subjective terms, Applicants submit that primary and secondary have an objective meaning explicitly defined in *Cloutier*. The pertinent question is not, as the Office Action contends, what primary and secondary may mean to one person at one time and another person at another time. The question is, rather, what primary and secondary mean to a person having ordinary skill in the art who has read and is familiar with the teachings of *Easwar* and *Cloutier*. See M.P.E.P., § 2141 ("[I]t may also be important to include explicit findings as to how a person of ordinary skill would have understood prior art teachings.")

Accordingly, because *Cloutier* only teaches to using idle time to perform a secondary operation, Applicants submit that it is not legally permissible to combine *Cloutier* with *Easwar* to disclose using idle time to perform the primary operation (transcoding) disclosed in *Easwar*. Indeed, *Easwar* also fails to support such a combination because *Easwar* does not consider a secondary operation requiring less processing than transcoding.

For all the foregoing reasons, Applicants submit that the Office Action has failed to establish a *prima facie* case of obviousness.

Accordingly, Applicants submit that Claim 1 is patentable over *Easwar* and *Cloutier*, whether considered separately or in any permissible combination (if any).

Independent Claim 10 recites features similar to those discussed above with respect to Claim 1 and therefore is also believed to be patentable over *Easwar* and *Cloutier* for the reasons discussed above.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the independent claims herein. Therefore, those claims are respectfully submitted to be patentable over the art of record.

The other claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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